



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/09/04, by Eileen Lyons

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-17

from Ch. 38, par. 12-17

Amends the Criminal Code of 1961. Provides that when force or threat of force is an element of the offense, consent is a defense to any of the offenses of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse only if the victim of the offense was 17 years of age or older at the time of the commission of the offense.

LRB093 18799 RLC 44533 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 12-17 as follows:

6 (720 ILCS 5/12-17) (from Ch. 38, par. 12-17)

7 Sec. 12-17. Defenses.

8 (a) If the victim was 17 years of age or over at the time of
9 the commission of the offense, it shall be a defense to any
10 offense under Section 12-13 through 12-16 of this Code where
11 force or threat of force is an element of the offense that the
12 victim consented. "Consent" means a freely given agreement to
13 the act of sexual penetration or sexual conduct in question.
14 Lack of verbal or physical resistance or submission by the
15 victim resulting from the use of force or threat of force by
16 the accused shall not constitute consent. The manner of dress
17 of the victim at the time of the offense shall not constitute
18 consent.

19 (b) It shall be a defense under subsection (b) and
20 subsection (c) of Section 12-15 and subsection (d) of Section
21 12-16 of this Code that the accused reasonably believed the
22 person to be 17 years of age or over.

23 (c) A person who initially consents to sexual penetration
24 or sexual conduct is not deemed to have consented to any sexual
25 penetration or sexual conduct that occurs after he or she
26 withdraws consent during the course of that sexual penetration
27 or sexual conduct.

28 (Source: P.A. 93-389, eff. 7-25-03.)